

IN THE COUNCIL OF THE VILLAGE OF NEW CONCORD, OHIO

ORDINANCE NO. C-6-92-2 - *Codified Ordinance*
No. 339.12

AN ORDINANCE REQUIRING THE HAULERS OF HAZARDOUS MATERIALS TO REFRAIN FROM USING ROUTES WHICH ARE WITHIN THE VILLAGE OF NEW CONCORD, WHENEVER PRACTICABLE

per
Res. No. 6-92-5

WHEREAS, citizens have expressed a concern regarding the excessive transportation of hazardous materials upon the streets of the Village; and,

WHEREAS, in order to promote the health, safety and welfare of the inhabitants of the Village of New Concord and the public generally, the council of the Village of New Concord does hereby establish an ordinance restricting the transportation of hazardous materials on the streets of the Village.

NOW, THEREFORE, be it hereby ordained by the council of the Village of New Concord as follows:

SECTION 1. No person shall operate a motor vehicle containing hazardous materials over routes which are located within the limits of the Village of New Concord, unless there is no practicable alternative.

SECTION 2. Operating convenience shall not be a basis for determining whether it is practicable to operate a motor vehicle in accordance with Section 1.

SECTION 3. DEFINITION: Hazardous Material shall mean a substance or material in a quantity and form which may pose an unreasonable risk to health and safety or property when transported in commerce. 49 USCS, Section 1802.

SECTION 4. In addition to the criminal penalty provided by Section 5, in the event of a hazardous materials incident, as described in 49 CFR, Section 171.16 requiring the response of the Fire Department and/or others to control said incident, the transporter shall be liable to the Village for the payment of all costs and expenses incurred in and about the use of employees, apparatus and materials in the control and/or neutralization of said incident. The amount of such costs and expenses shall be determined by the Village Administrator and shall be collected by him in a civil action wherein the Village shall be plaintiff and the transporter shall be defendant. This responsibility is not conditioned upon evidence of willfulness or negligence on the part of the transporter.

This section shall apply only if the transporter is in violation of the provisions of this ordinance.

SECTION 5. Penalty. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor of the first degree. Each violation shall be treated separately. When a violation is a continuing one, each day of the violation shall constitute a separate offense.

PASSED: June 8, 1992

Alan J. Chappie
President of Council

APPROVED: June 8, 1992

R. Guy Adams
Mayor

ATTEST: Beryl L. Hammer
Clerk

I hereby certify that the above Ordinance No. C-6-92-2 was posted per Ordinance No. L-1-84-1 from June 25, 1992 to August 27, 1992.

Beryl L. Hammer, Clerk